

47 CFR Part 73

[MM Docket No. 96-244; RM-8936]

**Radio Broadcasting Services;
Madison, IN****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule; dismissal.

SUMMARY: This document dismisses a petition filed on behalf of Edward E. Guinn, which requested the allotment of Channel 266A to Madison, Indiana, as that community's second local FM transmission service, based upon the collective withdrawal of interest by all parties to the proceeding in pursuing the proposal. See 61 FR 65508, December 13, 1996. With this action, the proceeding is terminated.

ADDRESS: Federal Communications Commission, Washington, DC 20554.**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-244, adopted March 19, 1997, and released March 28, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Santa Ana Sucker as Endangered****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of 12-month petition finding.

SUMMARY: The U. S. Fish and Wildlife Service (Service) announces a 12-month finding for a petition to list the Santa Ana sucker (*Catostomus santaanae*) under the Endangered Species Act of 1973, as amended (Act). The Santa Ana sucker is found in small shallow streams in southern California, and although described as common in the 1970s, the species has experienced declines throughout most of its range because of urbanization, water pollution, dams, introduced non-native fishes, and other human-caused disturbances. The Service finds that the petition to list the Santa Ana sucker is warranted but precluded by other listing actions of higher priority.

DATES: The finding announced in this document was made on March 27, 1997. Comments from all interested parties may be submitted until further notice.

ADDRESSES: Data, information, comments, or questions concerning this finding should be submitted to the Field Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul J. Barrett, Carlsbad Field Office see ADDRESSES section) (telephone 619/431-9440 or facsimile 619/431-9624).

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(B) of the Act requires that for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information indicating that the petitioned action may be warranted, a finding be made within 12 months of the date of receipt of the petition on whether the petitioned action is: (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals. Such 12-month findings are to be published promptly in the **Federal Register**. Section 4(b)(3)(B)(iii) of the Act states that the Service may make warranted but precluded findings if it can demonstrate that an immediate proposed rule is precluded by other pending proposals and that expeditious progress is being made on other listing actions. Section 4(b)(3)(C) requires that petitions for which the requested action is found to be warranted but precluded should be treated as though resubmitted on the date of such finding, i.e.,

requiring a subsequent finding to be made within 12 months.

Because of budgetary constraints and the lasting effects of the congressionally imposed listing moratorium, the Service is processing petitions and other listing actions according to the listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475). The guidance for fiscal year 1997 clarifies the order in which the Service will process listing activities with appropriated funds. Administrative findings for listing petitions that are not assigned to tier 1 (emergency listing actions) will be processed as a tier 3 priority (61 FR 64480). Further action on the subject petition falls within tier 3 of the current guidance. Because of pending proposed species listings (tier 2 activities), the Pacific Region (Region 1) will be primarily processing final decisions on proposed rules during fiscal year 1997 (61 FR 64477). However, as the Pacific Region nears completion of its pending tier 1 and 2 actions, the Service expects Region 1 to begin processing some tier 3 actions later this fiscal year. Priority within tier 3 will be given to new proposals for species facing high-magnitude, imminent threats (61 FR 64480), especially court-ordered proposals for such species with listing priority numbers of 1 through 3 (e.g., *Fund for Animals v. Babbitt*, Civ. No. 92-800 (SS) (D.D.C.)).

On September 6, 1994, the Service received a petition under the Act to list the Santa Ana speckled dace (*Rhinichthys osculus* ssp.), Santa Ana sucker (*Catostomus santaanae*), and the Shay Creek threespine stickleback (*Gasterosteus aculeatus* ssp.) as endangered species. The petition was submitted by the Sierra Club Legal Defense Fund, Inc. (located in San Francisco, California), on behalf of seven groups. The seven groups are the California-Nevada Chapter of the American Fisheries Society, The Nature School, The California Sportfishing Protection Alliance, Friends of the River, Izaak Walton League of America, California Trout, and Trout Unlimited.

A timely finding on the subject petition was precluded by higher priority listing actions and budget constraints. On May 16, 1996, the Service published a description of how it would prioritize the various listing actions for the remainder of fiscal year 1996 (61 FR 24722). Based on this listing priority guidance, the 90-day finding was designated as a tier 3 action, and the processing of tier 3 actions was not expected to begin during the remainder of fiscal year 1996. Despite requests for deference to the listing